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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/943,424

08/30/2001

Avi Kliger

TIA-001

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7590

11/16/2010

Weiss & Arons, LLP
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Pomona, NY 10970

EXAMINER

DECKER, CASSANDRA L

ART UNIT

PAPER NUMBER

2466

MAIL DATE

DELIVERY MODE

11/16/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE
BOARD OF PATENT APPEALS AND INTERFERENCES

Ex parte AVI KLIGER *et al*

Appeal 2010-006510
Application 09/943,424
Technology Center 2400

DECISION ON PETITION

This is a decision on the "Petition to the Board of Patent Appeals and Interferences for Oral Hearing Under 37 C.F.R. § 47.47(b)," filed November 1, 2010 ("Petition"). The Petition seeks an oral hearing in this appeal.

FINDINGS

1. On November 6, 2009, Appellants filed an Appeal Brief that included the following statement:

Pursuant to 37 C.F.R. § 1.17(c) applicants/appellants electronically authorize herewith a payment in the amount of \$1,620.00 including \$540.00 for the filing of a brief in support of an appeal and \$1,080 in payment of the fee for filing a request for Oral Hearing.

These fees were duly charged to the deposit account of Appellants' attorney.

2. Appellants did not file a separate request for oral hearing, as required by 37 C.F.R. 41.47(b).

RELEVANT AUTHORITY

37 C.F.R. § 41.47(b) provides:

If appellant desires an oral hearing, appellant must file, as a separate paper captioned "REQUEST FOR ORAL HEARING," a written request for such hearing accompanied by the fee set forth in § 41.20(b)(3) within two months from the date of the examiner's answer or supplemental examiner's answer.

37 C.F.R. § 1.183 provides:

In an extraordinary situation, when justice requires, any requirement of the regulations in this part which is not a requirement of the statutes may be suspended or waived by the Director or the Director's designee, *sua sponte*, or on petition of the interested party, subject to such other requirements as may be imposed. Any petition under this section must be accompanied by the petition fee set forth in § 1.17(f).

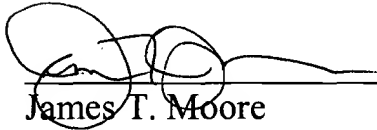
DISCUSSION

Appellants' Petition is considered a petition under Rule 1.183 for waiver of the separate paper requirement of Rule 41.47(b). Although Appellants have paid the fee for an oral hearing, they did not file a separate request for such a hearing as required by Rule 41.47(b). Further, Appellants have not submitted any information or evidence of an extraordinary situation for which justice requires waiver of the Rule. In this circumstance, waiver of Rule 41.47(b) is deemed inappropriate.

It also is noted that Appellants did not pay the fee for a petition under Rule 1.183.

DECISION

In view of the foregoing, the Petition is DENIED. Appellants may seek a refund of the fee paid for an oral hearing.

A handwritten signature in black ink, appearing to read 'James T. Moore', is written over a horizontal line.

James T. Moore
Acting Chief Administrative Patent Judge

Joel Weiss
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